

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE

BROOKE NICOLE TRAXEL,

Respondent,

v.

RICHARD LOUIS TRAXEL,

Appellant.

DOCKET NUMBER WD 70121

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 13, 2009

Appeal from

The Circuit Court of Jackson County, Missouri
The Honorable Marco A. Roldan, Judge

JUDGES

Newton, C.J., and Welsh and Mitchell, JJ.

CONCURRING.

ATTORNEYS

Steve D. Burmeister
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Attorney for Respondent,

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Attorney for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

BROOKE NICOLE TRAXEL,)	
)	WD 70121
Respondent,)	
v.)	OPINION FILED:
)	October 13, 2009
RICHARD LOUIS TRAXEL,)	
)	
Appellant.)	

Before: Newton, C.J., Welsh and Mitchell, JJ.

Richard Louis Traxel (“Father”) appeals the trial court’s judgment of modification of a parenting plan. The trial court entered the modified plan based on consent of the parties. Father objected to certain terms of the modified plan, and moved for a new trial as to those aspects of the plan. The court denied the motion and Father appeals, claiming that portions of the modified plan are unenforceable because they improperly grant legal custody to a third party, they are too vague, and they are against the weight of the evidence.

This court reverses the trial court’s judgment and remands with instructions.

Division Three holds:

In this case, the trial court’s modified parenting plan delegated the authority to make all medical, educational, and extracurricular decisions for one of the parents’ two children to her “team of doctors.” We hold that these provisions of the plan are too vague and indefinite to be enforceable in that the phrase “team of doctors” is not sufficiently definite and specific.

We also hold that the modified parenting plan is against the weight of the evidence in that the parents did not intend to delegate to the team of doctors their authority to make educational or extracurricular decisions for their daughter. We therefore reverse the judgment of the trial court and remand with instructions to the trial court to enter a modified parenting plan that is consistent with the evidence presented and with this opinion.

Opinion by Mitchell, J.

October 13, 2009

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